



STATUTORY INSTRUMENTS.

S.I. No. 29 of 2021



HEALTH ACT 1947 (SECTION 31A - TEMPORARY RESTRICTIONS)
(COVID-19) (NO. 10) (AMENDMENT) (NO. 2) REGULATIONS 2021

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HEALTH ACT 1947 (SECTION 31A - TEMPORARY RESTRICTIONS)
(COVID-19) (NO. 10) (AMENDMENT) (NO. 2) REGULATIONS 2021

I, STEPHEN DONNELLY, Minister for Health, in exercise of the powers conferred on me by sections 5 and 31A (inserted by section 10 of the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020 (No. 1 of 2020)) of the Health Act 1947 (No. 28 of 1947) and -

- (a) having regard to the immediate, exceptional and manifest risk posed to human life and public health by the spread of Covid-19 and to the matters specified in subsection (2) of section 31A, and
- (b) having consulted with the Minister for Transport, the Minister for Enterprise, Trade and Employment, the Minister for Finance, the Minister for Justice, the Minister for Housing, Local Government and Heritage, the Minister for Foreign Affairs and the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media,

hereby make the following regulations:

1. (1) These Regulations may be cited as the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No. 10) (Amendment) (No. 2) Regulations 2021.

(2) These Regulations shall come into operation on the 1st day of February 2021.

2. In these Regulations, “Principal Regulations” means the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No. 10) Regulations 2020 (S.I. No. 701 of 2020).

3. Regulation 1 of the Principal Regulations is amended, in paragraph (2), by the substitution of “5th day of March 2021” for “31st day of January 2021”.

4. Regulation 4 of the Principal Regulations is amended -

(a) by the substitution of the following paragraph for paragraph (1):

“(1) Subject to paragraph (2) -

- (a) an applicable person shall not leave his or her place of residence without reasonable excuse, or
- (b) any other person who is not ordinarily resident in the State shall not travel within a relevant

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 2nd February, 2021.*

geographical location without reasonable excuse.”, and

- (b) in paragraph (2) -
- (i) by the substitution of “includes an applicable person leaving his or her place of residence or a person who is not ordinarily resident in the State travelling within a relevant geographical location in order to” for “includes an applicable person leaving his or her place of residence in order to”,
 - (ii) by the substitution of the following subparagraph for subparagraph (a):
 - “(a) work, comply with a contract of employment or contract for services, or otherwise engage in work or employment where -
 - (i) such work, compliance, or engagement relates to an essential retail outlet or an essential service, and in all the circumstances, it is not practicable to so work, comply or engage in the person’s place of residence, or
 - (ii) such work, compliance, or engagement is outside the State in accordance with Regulation 4A(2)(a),” and
 - (iii) in subparagraph (x), by the substitution of “in the case of an applicable person, exercise” for “exercise”.

5. The Principal Regulations are amended by the insertion of the following Regulation after Regulation 4:

“Restrictions of movement of applicable persons in relation to travel from place of residence to port or airport

4A. (1) Without prejudice to the generality of Regulation 4, and subject to paragraph (2), an applicable person shall not leave his or her

place of residence to go to an airport or port for the purpose of leaving the State without reasonable excuse.

(2) Without prejudice to the generality of what constitutes a reasonable excuse for the purposes of paragraph (1), such reasonable excuse includes an applicable person leaving his or her place of residence to go to an airport or port for the purpose of leaving the State in order to -

- (a) work, comply with a contract of employment or contract for services, or otherwise engage in work or employment,
- (b) without prejudice to the generality of subparagraph (a) -
 - (i) provide services to, or perform the functions of, an office holder appointed under any enactment or under the Constitution, or a member of either House of the Oireachtas, the European Parliament or a local authority, or
 - (ii) provide services essential to the functioning of diplomatic missions and consular posts in the State,
- (c) attend, for educational reasons -
 - (i) a primary or secondary school, or
 - (ii) a university, higher education institution or other education and training facility,to the extent that it is necessary for such educational reasons to attend in person,
- (d) accompany to a school referred to in subparagraph (c)(i), or to a university, higher education institution or other education and training facility referred to in subparagraph (c)(ii), any other person residing with the person, or a vulnerable person,
- (e) attend a medical or dental appointment, or accompany, to such an appointment, any other person residing with the person, or a vulnerable person,
- (f) seek essential medical, health or dental assistance for the person, for any other person residing with the person, or for a vulnerable person,
- (g) attend to vital family matters (including providing care to vulnerable persons),
- (h) attend a funeral,

- (i) fulfil a legal obligation (including attending court, satisfying bail conditions, or participating in ongoing legal proceedings), attend a court office where required, initiate emergency legal proceedings or execute essential legal documents,
- (j) if the person is a parent or guardian of a child, or a person having a right of access to a child, give effect to arrangements for access to the child by -
 - (i) the person, or
 - (ii) another person who is -
 - (I) a parent or guardian of the child, or
 - (II) a person having a right of access to the child, or
- (k) where the person is not ordinarily resident in the State, leave the State.

(3) Paragraph (1) is a penal provision for the purposes of section 31A of the Act of 1947.”.

6. Part 2 of the Schedule to the Principal Regulations is amended, in paragraph 5 -

- (a) in subparagraph (d)(iii), by the substitution of “30th day of April 2021” for “28th day of February 2021”, and
- (b) in subparagraph (e), by the substitution of “30th day of April 2021” for “28th day of February 2021”.



GIVEN under my Official Seal,
29 January, 2021.

STEPHEN DONNELLY,
Minister for Health.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations amend the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No. 10) Regulations (S.I. No. 701 of 2020), as amended. These Regulations provide for additional temporary restrictions on travel. The Regulations remain in operation until 5 March 2021.

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